IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

Bail Appl..No. 4889 of 2007()

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CRIME NO.52/2007 OF CHAVAKKAD POLICE STATION

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: APPLICANTS/ACCUSED NOS.4,5

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1. CHEMBAN SHERIEF, AGED 40 YEARS,
S/O.MOOSA CHEMBAN,
PULIKKAL HOUSE,
KONDOTTI.

2. BACKER, AGED 30 YEARS,
S/O.ABDU,
NANDHYANATHARAYIL HOUSE,
EDAKKAZHIYOOR.

BY ADV. SRI.P.VIJAYA BHANU
SRI.M.REVIKRISHNAN

RESPONDENTS: COMPLAINANT-STATE

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STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

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**B.A.No.4889 of 2007**

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**Dated this the 13th day of August, 2007**

**ORDER**

Application for anticipatory bail. The petitioners are accused 4 and 5. Altogether there are 6 accused persons. The crux of the allegations is that the 1st accused had taken a loan from the defacto complainant, a money lender. That loan was in connection with a vehicle transaction. The 1st accused allegedly informed the defacto complainant that he was ready to repay the amount. The defacto complainant allegedly went to the 1st accused to collect the money. There, the defacto complainant was allegedly illegally detained and compelled to execute certain documents. An amount of Rs.500/- which he was having with him was also taken away by the miscreants. He was allegedly assaulted also. This incident took place on 03.01.05. The crime was registered. Investigation is in progress. The petitioners apprehend imminent arrest. The 6th accused, an advocate has been granted anticipatory bail by now. The learned counsel for the petitioners submits that the petitioners are absolutely innocent and that on account of disputes between the 1st accused and the defacto complainant false allegations have been raised and the petitioners have been dragged into the controversy unnecessarily.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that subject to appropriate conditions, which shall ensure the interests of a fair, efficient and expeditious investigation, anticipatory bail can be granted to the petitioners.

3. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 20.08.2007. They shall be enlarged on regular bail on their executing a bond for Rs.50,000/- (Rupees Fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 5 p.m on 21.08.2007 and 22.08.07. During this period, the petitioners can be interrogated in custody by the Investigating Officer;

iii) Thereafter the petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so;

iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

v) If the petitioners were arrested prior to their surrender on 20.08.07 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.50,000/- (Rupees Fifty thousand only) without any sureties undertaking to appear before the learned Magistrate on 20.08.07.

**(R.BASANT, JUDGE)**

rtr/-